

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:)

JOSE GILBERTO LIMON-OLIVARES, M.D.)

Case No. 02-2010-205571

Physician's and Surgeon's
Certificate No. A-80753)

Respondent)

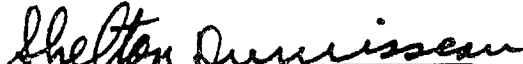
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 6, 2012.

IT IS SO ORDERED: June 8, 2012.

MEDICAL BOARD OF CALIFORNIA


Shelton Duruisseau, Ph.D., Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JANNSEN TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-3496
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 02-2010-205571

12 **JOSE GILBERTO LIMON-OLIVARES,**
13 **M.D.**
14 **4120 Prescott Road**
Modesto, CA 95356
15 **Physician's and Surgeon's Certificate No. A**
80753

OAH No. 2011080573
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of
22 California. She brought this action solely in her official capacity and is represented in this matter
23 by Kamala D. Harris, Attorney General of the State of California, by Jannsen Tan, Deputy
24 Attorney General.

25 2. Respondent Jose Gilberto Limon-Olivares, M.D. (Respondent) is represented in this
26 proceeding by attorney Roberto D. Rodriguez, Esq., whose address is: 429 13th Street
27 Modesto, CA 95354
28

3. On or about October 9, 2002, the Medical Board of California issued Physician's and Surgeon's Certificate No. A 80753 to Jose Gilberto Limon-Olivares, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 02-2010-205571 and will expire on October 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 02-2010-205571 was filed before the Medical Board of California, Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 14, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 02-2010-205571 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 02-2010-205571. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

///

/ / /

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 02-2010-205571.

4 10. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 11. Respondent Jose Gilberto Limon-Olivares, M.D. has never been the subject of any
9 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

10 RESERVATION

11 12. The admissions made by Respondent herein are only for the purposes of this
12 proceeding, or any other proceedings in which the Medical Board of California or other
13 professional licensing agency is involved, and shall not be admissible in any other criminal or
14 civil proceeding.

15 CONTINGENCY

16 13. This stipulation shall be subject to approval by the Medical Board of California.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Medical
18 Board of California may communicate directly with the Board regarding this stipulation and
19 settlement, without notice to or participation by Respondent or his counsel. By signing the
20 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek
21 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails
22 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary
23 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal
24 action between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
27 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
28 effect as the originals.

1 15 calendar days after the effective date of the Decision, whichever is later.

2 3. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
3 date of this Decision, Respondent shall enroll in a course in medical record keeping equivalent to
4 the Medical Record Keeping Course offered by the Physician Assessment and Clinical Education
5 Program, University of California, San Diego School of Medicine (Program), approved in
6 advance by the Board or its designee. Respondent shall provide the program with any information
7 and documents that the Program may deem pertinent. Respondent shall participate in and
8 successfully complete the classroom component of the course not later than six (6) months after
9 Respondent's initial enrollment. Respondent shall successfully complete any other component of
10 the course within one (1) year of enrollment. The medical record keeping course shall be at
11 Respondent's expense and shall be in addition to the Continuing Medical Education (CME)
12 requirements for renewal of licensure.

13 A medical record keeping course taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the course would have
16 been approved by the Board or its designee had the course been taken after the effective date of
17 this Decision.

18 Respondent shall submit a certification of successful completion to the Board or its
19 designee not later than 15 calendar days after successfully completing the course, or not later than
20 15 calendar days after the effective date of the Decision, whichever is later.

21 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of
22 the effective date of this Decision, Respondent shall enroll in a professionalism program, that
23 meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.
24 Respondent shall participate in and successfully complete that program. Respondent shall
25 provide any information and documents that the program may deem pertinent. Respondent shall
26 successfully complete the classroom component of the program not later than six (6) months after
27 Respondent's initial enrollment, and the longitudinal component of the program not later than the
28 time specified by the program, but no later than one (1) year after attending the classroom

1 component. The professionalism program shall be at Respondent's expense and shall be in
2 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

3 A professionalism program taken after the acts that gave rise to the charges in the
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
5 or its designee, be accepted towards the fulfillment of this condition if the program would have
6 been approved by the Board or its designee had the program been taken after the effective date of
7 this Decision.

8 Respondent shall submit a certification of successful completion to the Board or its
9 designee not later than 15 calendar days after successfully completing the program or not later
10 than 15 calendar days after the effective date of the Decision, whichever is later.

11 5. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the
12 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the
13 Chief Executive Officer at every hospital where privileges or membership are extended to
14 Respondent, at any other facility where Respondent engages in the practice of medicine,
15 including all physician and locum tenens registries or other similar agencies, and to the Chief
16 Executive Officer at every insurance carrier which extends malpractice insurance coverage to
17 Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15
18 calendar days.

19 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

20 6. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
21 prohibited from supervising physician assistants.

22 7. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
23 governing the practice of medicine in California and remain in full compliance with any court
24 ordered criminal probation, payments, and other orders.

25 8. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
26 under penalty of perjury on forms provided by the Board, stating whether there has been
27 compliance with all the conditions of probation.

28 Respondent shall submit quarterly declarations not later than 10 calendar days after the end

1 of the preceding quarter.

2 9. GENERAL PROBATION REQUIREMENTS.

3 Compliance with Probation Unit

4 Respondent shall comply with the Board's probation unit and all terms and conditions of
5 this Decision.

6 Address Changes

7 Respondent shall, at all times, keep the Board informed of Respondent's business and
8 residence addresses, email address (if available), and telephone number. Changes of such
9 addresses shall be immediately communicated in writing to the Board or its designee. Under no
10 circumstances shall a post office box serve as an address of record, except as allowed by Business
11 and Professions Code section 2021(b).

12 Place of Practice

13 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
14 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
15 facility.

16 License Renewal

17 Respondent shall maintain a current and renewed California physician's and surgeon's
18 license.

19 Travel or Residence Outside California

20 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
21 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
22 (30) calendar days.

23 In the event Respondent should leave the State of California to reside or to practice
24 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
25 departure and return.

26 10. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
27 available in person upon request for interviews either at Respondent's place of business or at the
28 probation unit office, with or without prior notice throughout the term of probation.

1 11. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
2 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
3 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
4 defined as any period of time Respondent is not practicing medicine in California as defined in
5 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
6 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
7 time spent in an intensive training program which has been approved by the Board or its designee
8 shall not be considered non-practice. Practicing medicine in another state of the United States or
9 Federal jurisdiction while on probation with the medical licensing authority of that state or
10 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
11 not be considered as a period of non-practice.

12 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
13 months, Respondent shall successfully complete a clinical training program that meets the criteria
14 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
15 Disciplinary Guidelines" prior to resuming the practice of medicine.

16 Respondent's period of non-practice while on probation shall not exceed two (2) years.

17 Periods of non-practice will not apply to the reduction of the probationary term.

18 Periods of non-practice will relieve Respondent of the responsibility to comply with the
19 probationary terms and conditions with the exception of this condition and the following terms
20 and conditions of probation: Obey All Laws; and General Probation Requirements.

21 12. COMPLETION OF PROBATION. Respondent shall comply with all financial
22 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
23 completion of probation. Upon successful completion of probation, Respondent's certificate shall
24 be fully restored.

25 13. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
26 of probation is a violation of probation. If Respondent violates probation in any respect, the
27 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
28 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,

1 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
2 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
3 the matter is final.

4 14. LICENSE SURRENDER. Following the effective date of this Decision, if
5 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
6 the terms and conditions of probation, Respondent may request to surrender his or her license.
7 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in
8 determining whether or not to grant the request, or to take any other action deemed appropriate
9 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
10 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
11 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
12 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
13 application shall be treated as a petition for reinstatement of a revoked certificate.

14 15. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
15 with probation monitoring each and every year of probation, as designated by the Board, which
16 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
17 California and delivered to the Board or its designee no later than January 31 of each calendar
18 year.

19 ACCEPTANCE

20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
21 discussed it with my attorney, Roberto D. Rodriguez, Esq.. I understand the stipulation and the
22 effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
23 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
24 bound by the Decision and Order of the Medical Board of California

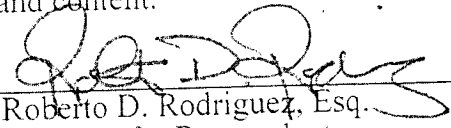
25
26 DATED: _____

5/4/12

27 Jose L. Limon-Olivares MD
28 JOSE GILBERTO LIMON-OLIVARES, M.D.
Respondent

1 I have read and fully discussed with Respondent Jose Gilberto Limon-Olivares, M.D. the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: 5-7-2012


Roberto D. Rodriguez, Esq.
Attorney for Respondent

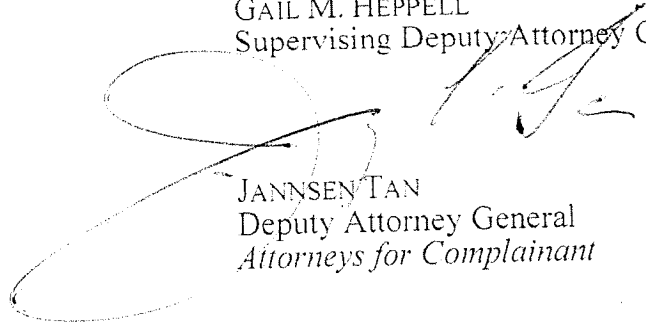
6
7 ENDORSEMENT

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
9 submitted for consideration by the Medical Board of California

10 Dated: May 9, 2012

Respectfully submitted,

11 KAMALA D. HARRIS
12 Attorney General of California
13 GAIL M. HEPPELL
14 Supervising Deputy Attorney General


15 JANNSEN TAN
16 Deputy Attorney General
17 Attorneys for Complainant

18
19 SA2011101504
20 10890867.doc
21
22
23
24
25
26
27
28

Exhibit A

Accusation No. 02-2010-205571

1 KAMALA D. HARRIS
Attorney General of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 JANNSEN L. TAN
Deputy Attorney General
4 State Bar No. 237826
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-3496
Facsimile: (916) 327-2247
7 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO 1.14.14 2011
BY: [Signature] ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 02-2010-205571

13 **JOSE LIMON-OLIVARES, M.D.**
14 **4120 Prescott Rd.**
15 **Modesto, CA 95356**

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A80753**

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

22 2. On or about October 9, 2002, the Medical Board of California issued Physician's and
23 Surgeon's Certificate Number A80753 to Jose Limon-Olivares, M.D. (Respondent). Said license
24 is in full force and effect until October 31, 2012, when the license expires.

25 **JURISDICTION**

26 3. This Accusation is brought before the Medical Board of California (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2234 of the Code states:

2 "The Division of Medical Quality¹ shall take action against any licensee who is charged
3 with unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 "(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
6 violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical
7 Practice Act].

8 "(b) Gross negligence.

9 "(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or
10 omissions. An initial negligent act or omission followed by a separate and distinct departure from
11 the applicable standard of care shall constitute repeated negligent acts."

12 "..."

13 5. Section 2264 of the Code states:

14 "The employing, directly or indirectly, the aiding, or the abetting of any unlicensed person
15 or any suspended, revoked, or unlicensed practitioner to engage in the practice of medicine or any
16 other mode of treating the sick or afflicted which requires a license to practice constitutes
17 unprofessional conduct."

18 6. Section 2266 of the Code states:

19 "The failure of a physician and surgeon to maintain adequate and accurate records relating
20 to the provision of services to their patients constitutes unprofessional conduct."

21 ///

22 ///

23 ///

24 ///

25
26 ¹ California Business and Professions Code section 2002, as amended and effective
27 January 1, 2008, provides that, unless otherwise expressly provided, the term "board" as used in
28 the State Medical Practice Act (Cal. Bus. & Prof. Code, §§§§ 2000, et seq.) means the "Medical
Board of California," and references to the "Division of Medical Quality" and "Division of
Licensing" in the Act or any other provision of law shall be deemed to refer to the Board.

1
2 FIRST CAUSE FOR DISCIPLINE

3 (Gross Negligence)

4 [Bus. & Prof. Code §§ 2234(b)]

5 7. Respondent is subject to disciplinary action under Section 2234(b) of the Code in that
6 his care and treatment of his patients constitutes gross negligence. The circumstances are set
7 forth below:

8 8. Respondent is a pediatrician who presently works at Valley Oak Pediatric Associates,
9 in Modesto, California.

10 9. On or around 2006, Respondent opened, "HouseCall Doctors" for the purpose of
11 providing medical services to patients in their homes. HouseCall Doctors primarily focused on
12 the medical treatment of adult patients for weight loss and fatigue. Respondent treated his
13 patients by giving vitamin B-12(B-12) injections to patients to improve their energy and to assist
14 with weight loss. He also prescribed appetite suppressants including the controlled drug
15 Phentermine, to patients for weight loss.

16 10. G.B.² was initially hired by Respondent as a front office assistant scheduling
17 appointments and calling patients. On or around 2009, G.B. became Respondent's medical
18 assistant. G.B. completed a course in medical assisting³ in June of 1986.

19 11. On or around 2009, G.B. asked if Respondent would permit her to give B-12 shots to
20 patients at their homes or at their place of work. Respondent agreed to this arrangement.
21 Respondent ordered B-12 from the local pharmacy and supplied G.B. G.B. was never given

22
23 ² Patients' names are abbreviated herein to protect patient confidentiality. Patients full
names will be provided upon receipt of a properly executed and served Request for Discovery.

24 ³ Medical Assistants are not licensed medical personnel and may only perform basic
25 administrative, clerical and technical supportive services. They must be directly supervised by a
26 licensed physician at all times. Medical Assistants may not under any circumstances diagnose,
27 treat or perform any task that is invasive or requires patient assessment. Direct supervision
requires the licensed physician to be physically present during the performance of allowable
28 routine tasks. Medical Assistants may not take a verbal order. They must have a written order by
a physician and the order must be noted in the medical record. The responsibility for the
appropriate use of unlicensed personnel always rests with the physician.

1 instructions or direction on how to give B-12 shots. G.B. determined the amount of B-12 shots to
2 be injected based on her own research and by using herself as a guinea pig. G.B. charged \$15.00
3 to \$20.00 per shot. She shared her fee with Respondent if the shot is given in Respondent's
4 clinic. If the shot was given outside the Respondent's clinic, she did not split her fee with
5 Respondent. G.B. opened a small sub-station space in her home where she injected B-12. She
6 also went to patient's homes and workplace to inject B-12. If Respondent went to G.B.'s home to
7 assess a patient, Respondent charged the patient for a standard office visit of about \$75.00. G.B.
8 then charged for the B-12 shot.

9 12. During the time period of 2009-2010 G.B. injected numerous patients with B-12
10 without the supervision of Respondent.

11 **Patient M.H.**

12 13. Patient M.H. was seen by Respondent on or about June 15, 2009. The medical record
13 shows that M.H. was charged \$75.00 for "weight program consultation". Height, weight blood
14 pressure was checked on that visit. A body mass index of 31 was noted. Respondent prescribed
15 "Phentermine 37.4 mg". "B-12 x 5" was also prescribed although no dose was noted.

16 14. The medical record shows that M.H. was to follow up in three months but no further
17 follow up visits were documented in the medical record. Respondent has subsequently prescribed
18 Phentermine in multiple instances to M.H.

19 15. Throughout the period of 2009-2010, M.H. received B-12 shots several times from
20 G.B. On several occasions, G.B. injected M.H. in public restrooms as well as in private homes.

21 16. Respondent's failure to keep complete and adequate records, and/or continued
22 prescription of Phentermine in multiple instances without documenting appropriate follow up
23 evaluations, and/or allowing an unlicensed person to treat his patients as set forth above is in
24 violation of 2234 (b), constitutes an extreme departure from the standard of care.

25 **Patient G.G.**

26 17. Patient G.G. was originally seen at the HouseCall Doctors clinic on or about February
27 14, 2010. There is a complete lack of documentation of any history or examination done by
28 Respondent at any point in her care. Medical records show that G.G. was requesting B-12 for

1 energy. She received 2 cc's of B-12 in the right deltoid. Height and weight were documented but
2 no other vital signs were documented. No body mass index was noted. There were no signatures
3 to determine who took the vitals. There were no written orders for B-12 injections and no
4 signatures in the medical record regarding who gave the injections.

5 18. On or about February 21, 2010, G.G. received a second injection of B-12 given in the
6 left deltoid. Documentation shows that two checks were made out to G.B. and were deposited in
7 G.B.'s bank account.

8 19. G.B. injected G.G. with B-12 for the first time in V.F.'s home and subsequently three
9 or four times in a public rest room.

10 20. Respondent's failure to keep complete and adequate records, lack of documentation
11 as to the treatment plan or written orders, and/or allowing an unlicensed person to treat his
12 patients as set forth above is in violation of 2234 (b), constitutes an extreme departure from the
13 standard of care.

14 **Patient V.F.**

15 21. On or about January 14, 2010, Patient V.F. filled out a patient information sheet.
16 There is a complete lack of documentation of any history or examination done by Respondent at
17 any point in her care. A blank progress note shows that V.F. was requesting B-12. Basic vitals,
18 height weight, temperature, and blood pressure were documented. There is no written order for
19 B-12 injections or any documentation that a B-12 injection was administered.

20 22. G.B. injected V.F. with B-12 injections given at her place of work.

21 23. Respondent's failure to keep complete and adequate records, lack of documentation
22 as to the treatment plan or written orders, and/or allowing an unlicensed person to treat his
23 patients as set forth above is in violation of 2234 (b), constitutes an extreme departure from the
24 standard of care.

25 **Patient G.B.**

26 24. G.B. was self injecting twice weekly with 2 cc of B-12. No medical records were
27 kept by Respondent on patient G.B. G.B. claims that Respondent prescribed B-12 to her but no
28 written orders by Respondent exists.

25. Respondent's failure to keep complete and adequate records, lack of documentation as to the treatment plan or written orders, and/or allowing his employee to self inject to treat his patients as set forth above is in violation of 2234 (b), constitutes an extreme departure from the standard of care.

26. Respondent's conduct is in violation of section 2234 (b), and constitutes unprofessional conduct. Each act as set forth below for each patient constitutes a separate cause of action for a violation of section 2344(b):

A. Respondent allowed G.B. to make medical assessments, determine the dosage and prescribe B-12 to patients.

B. Respondent did not properly document the care he provided to his patients. In one instance, he prescribed Phentermine, a dangerous drug, but did not document subsequent evaluations and medical indication. In most instances, no medical records existed at all for patients receiving the B-12 injections.

C. Respondent failed to keep track of medication that G.B. was administering and was negligent by supplying and authorizing G.B. to give B-12 injections without physician supervision. G.B. in some instances would inject B-12 in public restrooms or private homes.

D. Respondent knew that G.B. did not have any formal training and yet he allowed G.B. to self inject, and inject B-12 to patients.

SECOND CAUSE FOR DISCIPLINE

(Aiding or Abetting an Unlicensed Person in the Unlicensed Practice of Medicine)

[Bus. & Prof. Code §2264]

27. Respondent is subject to disciplinary action under section 2264 in that he aided and abetted an unlicensed person in the practice of medicine or in the treating of the sick or afflicted which requires a license to practice. The circumstances are as follows:

28. Complainant hereby incorporates paragraphs 13-15, 17-19, 21-22, 24 of the instant Accusation as though fully set forth herein.

100% 100% 100%

1990 1991 1992

29. Respondent's conduct is in violation of section 2264, and constitutes unprofessional conduct. Each act set forth below for each patient constitutes a separate cause of action for a violation of section 2264:

A. Supplying G.B. with B-12 and/or authorizing her to give B-12 injections without physician supervision. Respondent knew that G.B. did not have any formal training and yet he allowed G.B. to self inject, and inject B-12 to patients based on her own research and by using herself as a guinea pig.

B. Respondent allowed G.B. to make medical assessments, determine the dosage and prescribe B-12 to patients.

THIRD CAUSE FOR DISCIPLINE

(Repeated Negligent Acts)

[Bus. & Prof. Code §§ 2234(c)]

30. Respondent is subject to disciplinary action under section 2234 (c) in that he is guilty of repeated negligent acts relative to the care and treatment of his patients.

The circumstances are as follows:

31. Complainant hereby incorporates paragraphs 13-15, 17-19, 21-22, 24 of the instant Accusation as though fully set forth herein.

32. Respondent's conduct as described above is in violation of section 2234 (c), and constitutes unprofessional conduct. Respondent's repeated negligent acts for each of his patients constitute a separate cause of action under section 2234(c). The repeated negligent acts per patient are as follows:

A. Respondent consistently promoted B-12 as a treatment for weight loss and fatigue when there is no medical literature to support its effectiveness.

B. Respondent allowed G.B. to make medical assessments, determine the dosage and prescribe B-12 to patients.

C. Respondent did not properly document the care he provided to his patients.

///

///

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Adequate and Accurate Records)

[Bus. & Prof. Code §§ 2266]

33. Respondent is subject to disciplinary action under section 2266 in that he failed to maintain adequate and accurate records.

The circumstances are as follows:

34. Complainant hereby incorporates paragraphs 13-15, 17-19, 21-22, 24 of the instant Accusation as though fully set forth herein.

35. Respondent's conduct as set forth above is in violation of section 2266 and constitutes unprofessional conduct. Respondent failed to maintain adequate and accurate records for patient M.H., G.G., G.B., V.F. Each act for each patient constitutes a separate cause of action for a violation of section 2266.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

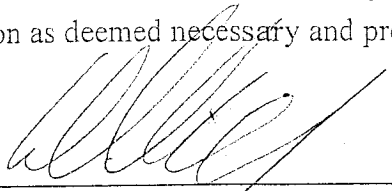
///

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number No. A80753, issued to Jose Limon-Olivares, M.D.;
2. Revoking, suspending or denying approval of Jose Limon-Olivares, M.D.'s authority to supervise physician's assistants, pursuant to section 3527 of the Code;
3. Ordering Jose Limon-Olivares, M.D. to pay the Medical Board of California the costs of probation monitoring, and, if placed on probation;
4. Taking such other and further action as deemed necessary and proper.

DATED: July 14, 2011


LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

SA2010100004
10720614.doc